

Application: 09/312,922
Filed: May 17, 1999
In Response to Office Action of: January 9, 2006
Response Dated: July 10, 2006

III. REMARKS

4. The Office Action dated January 9, 2006 has been carefully considered.

Applicant appreciates the allowance of claims 1 through 5 and claim 7. Reconsideration of this application, as amended and in view of the following remarks, is respectfully requested.

A. References

5. The following U.S. patents were considered in the office action:

- US Patent 5,715,823 ("Wood"), filed September 25, 1996
- US Patent 5,882,206 ("Gillio"), filed March 29, 1995
- US Patent 5,920,317 ("McDonald"), filed June 11, 1996
- US Patent 6,009,346 ("Ostrow"), filed January 2, 1998

B. Overview of Office Action

6. The office action:

- allowed claims 1-5, and 7.
- rejected claims 23-24, 26-27, and 33-37 as being obvious in light of Wood in view of McDonald, under 35 U.S.C. 103(a)
- rejected claims 32, 38-43 as being obvious in light of Wood in view of McDonald, and further in view of Gillio and Ostrow under 35 U.S.C. 103(a)

C. Claim 1 Amended

7. Claim 1 was amended to make the claim language more precise by replacing the word "can" with "is able to."

D. A Modem is Not the Transmitter of the Present Invention

8. The office action rejects independent claims 23, 33, and 37 based on obviousness in light of Wood in further view of McDonald stating that Wood's modem (Fig 1

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item 32) is a transmitter. Further claim 40 is rejected in further light of Gillio and Ostrow.

Applicant respectfully submits that the convention modem of Wood does not meet the requirements of the independent claims 23, 33, and 37 as amended and claim 40 as previously presented. The modem of Wood is clearly defined as a conventional and standard telephone modulator/demodulator (see Wood column 5, lines 11 through 22).

9. Independent claim 23 has been amended to add the following limitations
“wherein said transmitter receives and interprets remote control commands from said user and wherein said transmitter alters the characteristics of the stream of video images in response to the remote control commands.” These limitations are not, and cannot be, met by the conventional modem of Wood.

10. Independent claim 33 has been amended to add the limitations that the transmitter “interpret” the control commands and change its operation “upon interpretation of” said control command. These limitations are not, and cannot be, met by the conventional modem of Wood.

11. Independent claim 37 has been amended to add the limitations that the transmitter “is configured to control the medical test device”. This limitation is not, and cannot be, met by the conventional modem of Wood.

12. Independent claim 40 as previously presented included limitations that the transmitter comprised

- i) a video image capture device with associated video settings;
- ii) a video server connected to said video image capture device and further comprising a video compressor for compressing the stream of video images, a

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first buffer for use by the compressor, and a second buffer for holding at least a portion of the compressed stream of video images,

- iii) a listener connected to the video server for making socket connections for the data pipes to said one or more receivers; and
- iv) a transmitter video control for receiving control commands from said one or more receivers and altering said video settings and settings of said compressor,

These limitations are not, and cannot be, met by the conventional modem of Wood.

13. Thus, none of the rejected independent claims are rendered obvious by the combination of Wood with McDonald, or in the case of claim 40 in further view of Gillio and Ostrow.

14. Applicant submits that the claims dependent of these independent claims are at least allowable for the same reasons. Further applicant maintains the distinctions argued in previous office actions.

E. Applicant's Invention Solves Many Problems with Solutions that were not Anticipated nor Rendered Obvious by the Prior Art

15. As discussed in detail in the previous office action, there were many problems known in the art regarding the live transmission of medical quality video over the Internet.

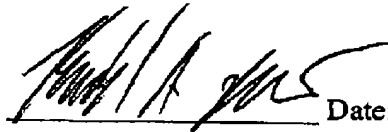
IV. CONCLUSION

16. The undersigned respectfully submits that, in view of the foregoing amendments and remarks, the present application is believed to be in condition for allowance. It

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is respectfully requested that this application be considered and that this case be passed to issue.
If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to call the undersigned at 408-739-9517.

Respectfully submitted,



Date: July 10, 2006

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